

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov**

In re:

Chapter 13

Case No. 6:18-bk-01876-KSJ

LISA DIANE GARBERS,

Debtor. _____/

**MOTION FOR RECONSIDERATION OF ORDER
DIRECTING MORTGAGE MODIFICATION MEDIATION**

Secured Creditor, **WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST III** (“Secured Creditor”) by and through its undersigned attorney, files its Motion for Reconsideration of Order Directing Mortgage Modification Mediation (the “Objection”), and as grounds thereto states as follows:

1. On April 2, 2018 (the “Petition Date”), the Debtor filed its Voluntary Petition under Chapter 13 of the United States Bankruptcy Code [D.E. 1].
2. On May 16, 2018, the Debtor filed its Motion for Referral to Mortgage Modification Mediation [D.E. 25] (the “MMM Motion”).
3. On May 17, 2018, the Court issued an Order Directing Mortgage Modification Mediation [D.E. 26] (the “MMM Order”).
4. Pursuant to the MMM Order, “[l]ender may seek reconsideration of this Order by written motion filed within 14 days after entry of this Order. If a timely motion for reconsideration is filed, the Court will set a hearing, and all deadlines in this Order are suspended pending resolution.”
5. Secured Creditor asserts that prior to the filing of this instant case and the entry of

the MMM Order, Secured Creditor and the Debtor previously engaged in loan modification mediation.

6. On October 30, 2017, mediator Viktoria Collins filed a Mediation Report reflecting that the parties engaged in a mediation conference and that “No agreement was reached” (the “Mediation Report”) in the pending foreclosure proceedings Case No. 2017-CA-000469, *Wilmington Savings Fund Society, FSB v. Lisa Diane Deter Garbers*, filed in the 18th Judicial Circuit, in and for Seminole County, Florida. Attached hereto as Exhibit “A” is a copy of the Mediation Report.

7. Secured Creditor believes that the Debtor is not acting in good faith by filing the MMM Motion and seeking a Court directive for the parties to once again proceed with loan modification mediation when the Debtor was previously reviewed for same and the parties failed to reach an agreement.

8. Secured Creditor believes that it should not be forced to once again participate in mortgage mediation with the Debtor as it appears that the Debtor is not acting in good faith.

WHEREFORE, Secured Creditor respectfully requests that the Court enter an Order vacating the MMM Order and excusing Secured Creditor from further participation in Mortgage Modification Mediation, and for any such other relief as the Court deems appropriate.

Dated this 23rd day of May, 2018.

Respectfully submitted,
GHIDOTTI BERGER, LLP
Attorneys for Secured Creditor
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By: /s/ Chase A. Berger
Chase A. Berger, Esq.
Florida Bar No. 083794
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CERTIFICATE PURSUANT TO LOCAL RULE 9011-4(B)(1)

I certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court as set forth in Local Rule 2090-1(A).

By: /s/ Chase A. Berger
Chase A. Berger, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 23, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

I also certify that the foregoing document is being served this day, either via transmission of Notice of Electronic Filing generated by CM/ECF or by first class U.S. Mail, upon:

Debtor

Lisa Diane Garbers
104 Rose Briar Drive
Longwood, FL 32750

Debtor's Counsel

Wayne B. Spivak, Esq.
500 Winderley Place, Unit 100
Maitland, FL 32751

Trustee

Laurie K. Weatherford
Post Office Box 3450
Winter Park, FL 32790

U.S. Trustee

United States Trustee - ORL7/13, 7
Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801

By: /s/ Chase A. Berger
Chase A. Berger, Esq.

IN THE CIRCUIT COURT OF THE 18th JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL ACTION

CASE NO.: 2017-CA000469

Wilmington Savings Fund Society, Fsb, D/B/A
Christiana Trust, As Owner Trustee Of The
Residential Credit Opportunities Trust Iii,
Plaintiff,

v.

Lisa Diane Deter Garbers, et al.,
Defendants.

_____ /

MEDIATION REPORT

In accordance with the Notice of Mediation a mediation conference was conducted by Viktoria Collins, Florida Supreme Court Certified Circuit Civil Mediator, on October 30, 2017.

(1) The following were present at the mediation conference:

- (a) Plaintiff's representative, Ron McMahan (via telephone), and Plaintiff's attorneys, Tara Rosenfeld, Esquire (via telephone) and Sara Chalkley, Esquire (in person).
- (b) Defendant Lisa Diane Deter Garbers

(2) The results of the conference are indicated below:

No agreement was reached.

Respectfully submitted this 30th day of October 2017.

/s Viktoria Collins
Viktoria Collins, Esquire
Mediator #20426CR
Collins Law and Mediation, P.L.
4767 New Broad Street
Orlando FL, 32814
Telephone: 407-790-4173
Facsimile: 407-347-4092

cc: Tara Rosenfeld, Esquire
Sara Chalkley, Esquire
Lisa Diane Deter Garbers

EXHIBIT "A"